

Janet LaForest
33 Knighton Street
Manchester, CT 06040

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 20000120-011-003

vs.

Janet LaForest, L.P.N., Lic. No. 023082
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated February 9, 2000 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Janet LaForest (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the respondent presented a clear and immediate danger to public health and safety. On February 16, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of the respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated February 16, 2000, scheduling a hearing for March 1, 2000. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were mailed to respondent by certified mail and first class mail.

The hearing scheduled for March 1, 2000 was continued at respondent's request and rescheduled for May 17, 2000. A Notice of Rescheduled Hearing was delivered to respondent's address and to respondent's attorney on February 29, 2000. Dept. Exh. 1.

On March 1, 2000 the Board received an Appearance filed by respondent's counsel. Board Exh. 1

Respondent through her attorney submitted a written Answer to the Statement of Charges. Board Exh. 2.

On May 10, 2000, the Board received notification that respondent's attorney had withdrawn as counsel for respondent. Board Exh. 3.

The hearing took place on May 17, 2000, at the Wethersfield Town Hall, Town Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, May 17, 2000, pp. 2. Respondent was aware of the hearing and the date it was scheduled. Transcript, May 17, 2000, pp. 6.

During the hearing the Department submitted a Motion to Amend Statement of Charges. The Department's motion was granted by the Board. Dept. Exh. 2; Tr., May 17, 2000, p. 7-8.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Licensed Practical Nurse License number 023082 on June 1, 1989. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-D.
2. Pursuant to a Consent Order dated August 19, 1998, respondent's Licensed Practical Nurse license was placed on probation for four years effective September 1, 1998. The probation was ordered based on respondent's admitted diversion and abuse of controlled substances on or about May 1998. Dept. Exh. 1-A2-10.
3. Conditions of probation included the requirement that respondent submit to random urine screens, the results of which shall be negative for the presence of drugs and alcohol. Dept. Exh. 1-A4-5.
4. Urine screens to which respondent submitted on December 27, 1999, January 7, 2000 and January 14, 2000 tested positive for the presence of Morphine. Dept. Exhs. 1-A17, 1-B5-6.
5. Urine screens to which respondent submitted on February 7, 2000 and February 15, 2000, tested positive for the presence of Morphine. Dept. Exh. 1-C2-3.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Respondent held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The First Amended Statement of Charges alleges that the respondent tested positive for morphine three times during December 1999 and January 2000 and twice during February 2000.

The First Amended Statement of Charges further alleges that respondent's conduct of testing positive for Morphine constitutes violations of the terms of probation as set forth in a Consent Order dated August 19, 1998.

Respondent through her attorney submitted an answer to the Statement of Charges in which respondent states that any non-compliance with the terms of the Consent Order was inadvertent and unintentional.

Based on its findings, the Board concludes that respondent's conduct as alleged in the First Amended Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes a violation of the probation as set forth in the Consent Order dated August 19, 1998. Therefore, respondent's Licensed Practical Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

Respondent's Licensed Practical Nurse license No. 023082, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Janet LaForest, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 1st day of November, 2000.

BOARD OF EXAMINERS FOR NURSING

By Nancy B. Belfrage

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